

"Approved by the City Council/Redevelopment Agency Board on February 5, 2003."

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF AN ADJOURNED REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
January 13, 2003**

The City Council of the City of Westminster, California convened on January 13, 2003 at 6:00 p.m. in an Adjourned Regular Meeting in the Council Chambers, 8200 Westminster Blvd, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: Southeast corner of All American Way and 15th Street; Coast Community College Negotiator: C.M. Brahmbhatt; City Negotiators: City Manager Don Vestal and Director of Community Development Don Anderson; Under Negotiation: Price and Terms of Payment; and
- 2) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: 7632 - 21st Street; Property Negotiators: Charles Brumbaugh and Curt Pringle; City Negotiators: City Manager Don Vestal and Finance Director Sheri Peasley; Under Negotiation: Price and Terms of Payment.

RECESS: At 6:45 p.m., Mayor/Agency Chair Rice recessed from Closed Session.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:00 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Quach

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. Mayor Rice and the Council Members presented a Resolution of Commendation to "Addie Bee" Balcom, Westminster's Doll Doctor, commending her for making dolls for poor children in Mexico.
- B. Theresa Kasprzyk, gave an update on the Westminster Chamber of Commerce upcoming events.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of December 4, 2002; Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of December 9 and December 12, 2002; and Minutes of the Regular Meetings of the City Council/Redevelopment Agency of December 18, 2002 and January 1, 2003.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.3 **Acceptance of work completed by Ortco, Inc. for the installation of playground equipment at Bowling Green Park, Buckingham Park, Cascade Park, Indian Village Park, Liberty Park, Newcastle Park, Palos Verdes Park, and Westminster Village Park. (Project #'s 76502.023200, 023210, 023202, 023203, 023204, 023205, 023206, 023207) (502-15)**

ACTION: The City Council accepted the work completed by Ortco, Inc. and authorized the City Clerk to file a Notice of Completion.

WARRANT REGISTER

- 1.4 (City Council/Redevelopment Agency) Warrant Register dated December 13, 2002 through January 9, 2003. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.5 Minutes of the Planning Commission meeting held December 11, 2002 (104-11)**

ACTION: Received and filed.

- 1.6 Minutes of the Traffic Commission meeting held on December 3, 2002 (104-12)**

ACTION: Received and filed

- 1.7 Minutes of the Traffic Commission meeting held on January 7, 2003 (104-12)**

ACTION: Received and filed.

Motion was made by Council Member Fry, and seconded by Council Member Paris, to approve the Consent Calendar as recommended. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

- 2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None**

- 3. PUBLIC HEARINGS**

- 3.1 SALE OF AGENCY-OWNED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ALL AMERICAN WAY AND 15TH STREET (502-03)**

(City Council) Time set for a public hearing to consider authorization to allow the Westminster Redevelopment Agency to sell Agency-owned property at the southeast corner of All American Way and 15th Street.

(Redevelopment Agency) Time set for a public hearing to consider entering into the Disposition and Development Agreement (DDA) with the City of Westminster and Coast Community College District for the Agency-owned property at the southeast corner of All American Way and 15th Street.

The City Manager stated that the City and representatives from Coast Community College District have been in negotiations over the sale of the subject property for more than a year. He said that the negotiated purchase price will be \$18.13 per square foot based on the final square footage; with the payment going back to HUD for the 108 loan. He stated that HUD has been apprised of the market price and are in agreement with it.

Council Member Marsh asked if the agreement from HUD was in writing, to which the City Manager responded that he was 100% confident with their verbal commitment.

The City Manager added that the DDA agreement (which has been approved by the college board) contains a repurchasing clause if for some reason the college district decides not to proceed, the City can repurchase the land at the current sales price. It is an "as is" sale and the City has a right to review their plans, which provides for 125 parking spaces.

Mayor Rice said it has been stated in the past that if the college district purchased this land there would not be adequate space left to build the proposed Community Cultural Center. The City Manager said that there is more than sufficient space left to meet the design criteria for a full theater, banquet facility and ancillary space.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

C. M. Brahmabhatt, Vice Chancellor, Administrative Services for Coast Community College District, spoke in favor of the sales agreement and stated that his board approved the agreement in December.

Darrell Nolta, resident of Westminster, spoke in favor of the sales agreement.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Bob Crossley, resident of Westminster, said he was opposed to the parking, which he believes is inadequate.

SINCE THERE WERE NO PERSONS WISHING TO SPEAK IN REBUTTAL, THE MAYOR CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Fry, and seconded by Council Member Quach, that the City Council:

- 1) Authorize the Westminster Redevelopment Agency to enter into a Disposition and Development Agreement (DDA) with Coast Community College District for the Agency-owned property located at the southeast corner of All American Way and 15th Street; and
- 2) Authorize the City Manager to execute the Disposition and Development Agreement on behalf of the City.

Council Member Marsh stated that earlier terms were not acceptable to him that had restrictions on the use of the neighboring property and that those matters were now resolved. He said he was not concerned about the parking because most functions of the proposed Community Center will be held in the evenings when extra parking will be available.

Council Member Quach asked about possible state budget concerns. Mr. Brahmbhatt stated that the citizens of the district passed Measure C in November, therefore, the state deficits were of no concern to the district. The City Manager explained that the City cannot force the college district to do their construction, but that is why there is a repurchase clause in the agreement.

The motion was carried by a 5-0 vote.

Motion was made by Agency Member Quach, and seconded by Agency Member Marsh, that the Redevelopment Agency Board:

- 1) Approve a Disposition and Development Agreement (DDA) with Coast Community College District to sell the Agency-owned property located at the southeast corner of All American Way and 15th Street; and
- 2) Authorize the Executive Director to execute the Disposition and Development Agreement on behalf of the Agency.

The motion was carried by a 5-0 vote.

**3.2 RESOLUTION NO. 3740 – AMENDING EXISTING WATER SYSTEM
RESOLUTION NOS. 3704 AND 3681. (610-13)**

The Public Works Director reviewed the proposed resolution, amending the existing water system resolutions and adjusting the water rate due to anticipated pass-through costs from Orange County Water District. The proposed resolution and adjusted water rate is also recommended by the Financial Review Committee.

Council Member Marsh said that although the reason for the increase was cited that it was a pass-through from OCWD, when he called and asked OCWD about it, the response was they were not aware of the situation. The Public Works Director read from a news release from OCWD regarding a notice of intent to decrease groundwater production in 2003, which was adopted by their board in December, 2002. The notice stated that the amount of the decrease would be set in April, 2003; and a number of drafts from OCWD were reviewed to determine an estimate which was in turn used to determine the proposed increased rate. He said, by doing it this way, it provides for a lower increase than it would if the City waited until OCWD makes a final determination in the spring. Council Member Marsh stated that he has trouble charging residents for an increase which is only anticipated, when no one knows what the rainfall will be in the winter.

Council Member Fry inquired about the five-state agreement which was turned down and if that will have any affect on the water rate. The Public Works Director responded that the proposed agreement was something the Metropolitan Water District was working on and he was informed that will not have an affect at this time if conservation efforts are carried out.

Mayor Pro Tem Paris stated he did not favor raising the rate with the anticipation of a pass-through from OCWD. He asked if the surcharge for Midway City residents would be affected, to which the Public Works Director answered that it would not be increased.

The Public Works Director explained the process that now we are allowed to pump 75% from the groundwater basin; when that number is reduced, the difference has to be made up by purchased water, which is three times the amount of pumped water.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM. SEEING THERE WERE NO PERSONS SPEAKING IN FAVOR, THE MAYOR ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION.

Bob Crossley, speaking on behalf of the Citizens for Government Accountability, spoke in opposition to the proposal. He said he would like the City to revisit the entire water rate structure which he is also opposed to. He said that other government entities are being faced with litigation to justify their alleged over-charges, therefore, he is not in favor of charging for an anticipated increase by OCWD.

Darrell Nolta, resident of Westminster, said he was opposed to the proposed increase and did not believe it was right to add the paramedic charges to the water bill, and he submitted a chart to show the current increases. He said he learned that staff has set aside money in the reserves for radon screening.

THE MAYOR CLOSED THE PUBLIC HEARING.

The Public Works Director stated that the average increase for low volume usage is \$2.41. He said that the recommendation is a matter of philosophy; and if the Council decides not to approve the increase at this time, the recovery cost will be more at a later time.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, that the proposed resolution be continued until April when it will be reviewed again, after the Orange County Water District Board votes for their resolution.

Council Member Fry stated he did not agree with the motion because although the actual increased cost is not known, it is known it will not go down, and he did not agree to install an increase right at the beginning of summer.

Council Member Quach stated that the City is not in the business of making money, however, he noted that the City has been absorbing cost increases for 15 years.

Mayor Pro Tem Marsh said the reason for his position is because he thinks people will understand an increase if hard figures can be shown, but right now it is only anticipated.

The motion was carried 3-2, by the following vote:

AYES: PARIS, MARSH, QUACH
NOES: FRY, RICE
ABSENT: NONE

4. ORAL COMMUNICATIONS

Malcom Willis announced upcoming events for the Nicolson Pipes and Drums, including a fund raising Casino Night and silent auction on January 18th in the evening at the Westminster Manor.

Darrell Nolta, resident of Westminster, spoke regarding the eroding of fourth amendment privacy rights and the total information awareness system.

Edelgard Crozier, resident of Westminster, said that people should not have to listen to matters that are not under the jurisdiction of the City under Oral Communications.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Paris wished Westminster resident, Maudie Pearl Metters, a happy birthday as she celebrated her 100th birthday. He thanked the Public Works staff for the traffic signal at Newland and Palos Verdes. He thanked the Economic Development Manager on the demographics brochure. He commended Public Works employee, Gerard Charles for his work on the bus stop.

Council Member Quach thanked the City Manager for accompanying him to Sacramento and introducing him to the legislators.

Mayor Rice also wished Mrs. Metters a happy 100th birthday; she thanked staff for the lighting at Liberty Park; and she wished everyone a happy new year.

5.2 SITE PLAN SP-1418/DESIGN REVIEW DR-366; APPLICANT: TU NGUYEN; PROPERTY: 7381 WYOMING STREET (Council Member Marsh) (201-04)

Review of the Planning Commission's decision to approve a Site Plan SP 1418 and Design Review DR-366 for construction of a new triplex on an existing single-family home site located at 7381 Wyoming Street.

Council Member Marsh stated that the reason he asked that the item be reviewed by the Council was to give the surrounding neighbors another opportunity to oppose this project, however, since no one has appeared or contacted the City, he was satisfied.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to:

1. Uphold the Planning Commission decision's to approve the proposed new construction; and
2. Adopt Resolution No. 3741 entitled, "A Resolution of the City Council of the City of Westminster approving Site Plan Review SP 1418 and Design Review DR-366", and waive further reading.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Study Session for the 2003 Community Development Block Grant (CDBG) and Home Program Funds. (103-08)

Mayor Rice stated that she hopes Council supports its own City projects before supporting outside organizations in light of the fact that the governor may be trying to take money away from the cities.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to schedule a study session date of February 3, 2003, at 5:30 p.m. to hear presentations from non-profit agencies and city departments applying for 2003 Community Development Block Grant (CDBG) and HOME Block Grant funding. The motion was carried by a 5-0 vote.

6.2 (Redevelopment Agency) First Annual Business Appreciation Reception (103-08)

The Economic Development Manager recommended that the Agency Board invite 100-150 business owners to a luncheon at the Riviera Fireside Restaurant, thanking them for doing business in the City.

Motion was made by Agency Vice Chair Paris, and seconded by Agency Member Quach, to set the date of March 26, 2003 to hold the First Annual Business Appreciation Reception.

6.3 Request from Mr. Dat Vovan of d.a.t. Advertising Group, Inc. requesting permission to attach banners to concrete street light poles on Bolsa, Magnolia, and Brookhurst Street in Little Saigon to celebrate the Vietnamese New Year, for the period January 20, 2003 to February 10, 2003. (203-02)

The City Manager said that he received verbal notification from Mr. Vovan that due to time constraints, he will be unable to complete and attach banners for Vietnamese New

Year, as he proposed. However, the City Manager said he would like the Council to consider the banners in concept for next year.

Council Member Marsh said he recalled that last year a similar request was submitted and much less time was granted for the banners to be mounted on the street light poles.

The City Manager responded that last year the banners proposed were much different in concept (similar to the banners the City puts up around the 4th of July) and only four days were granted, therefore, the time recommended for this proposal was a longer period.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the design request from d.a.t. Advertising Group for the banners for next year, in concept, for no more than 14 calendar days, subject to the usual standards. And, further, direct staff to return to the Council, standards for future approval of attaching banners.

Mayor Pro Tem Paris and Council Member Fry recommended that it be approved for 21 days.

The maker and the second agreed to amend to motion to state 21 days. The motion was carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None

8. LEGISLATIVE ITEMS

8.1 County's reallocation of Proposition 12 Funding to Westminster for Community Center Project. (502-15)

The Assistant City Manager explained that the Council has already approved the funding from the County of Orange for their reallocation of Proposition 12 money from the state.

Council Member Marsh noted that the vote by the Board of Supervisors referred to in the staff report was the last Board and the newly-elected Board may not agree with this motion, but because the previous Board agreed to dole it out to the cities then he agreed that Westminster should also receive its share.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to:

- 1) Adopt Resolution No. 3739 entitled, "A Resolution of the City Council of the City of Westminster approving receiving a redistribution of State Park Bond Act funds from the County of Orange allocation, and authorizing the State Department of Parks and Recreation to amend its funding contract with the City of Westminster by increasing the City's contract by the amount allocation of the City project in favor of the State decreasing the County's contract by the same amount", and waive further reading; and

- 2) Authorize the Mayor and City Manager to execute the Financial Assistance Agreement on behalf of the City.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to City Commissions and Committees (104-00)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to appoint the following persons to the Commission on Aging:

Rice – Leonor Barajas
Paris – Vince Agor
Fry – Vera Kennedy
Marsh – Betty Poole
Quach – Hien Nguyen

Vincent Petronzio (Appointee)
Sherry Swan (Appointee)
Gloria Turro, Alternate

The motion was carried by a 5-0 vote.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to appoint the following persons to the Community Advisory Group:

Rice – Matthew Tracy
Sergio Contreras
Marsh – Owen Eames
Quach – Thuy Linh
Kelly Le

The motion was carried by a 5-0 vote.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to appoint the following persons to the Community Services/Recreation Commission:

Rice – Lucy Chouinard
Paris – Gloria Turro
Fry – Leo Lopez
Marsh – Robert Meade
Quach – Jerry Meade

The motion was carried by a 5-0 vote.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to appoint the following persons to the Cultural Arts Commission:

Rice – Agripino Toro
Sandy Hemphill

Paris – Owen Eames
Lupe Fisher
Marsh – Matthew Tracy
Timothy O'Reilly
Quach – Hien Nguyen
Bart Kasperowicz

The motion was carried by a 5-0 vote.

Motion was made by Mayor Rice, and seconded by Council Member Marsh, to appoint the following persons to the Financial Review Committee:

Rice – Scott Smith
Edelgard Crozier
Paris – John Stupar
B. J. Savage
Fry – Ray Maggi
Mike Turro
Marsh – Marge Shillington
Timothy O'Reilly
Quach – Christina Nguyen
Nancy Gam Pham

The motion was carried by a 5-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to appoint the following persons to the Merit System Commission:

John Stupar, Public Education Category
Rev. Randy Hill, Religious Category
Joan Hansen, At-large Category
Stephen James, At-large Category
Kelly Le, At-large Category

The motion was carried by a 5-0 vote.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to appoint Jack Hah, Mobile Home Park Owner to the Mobile Home Commission. The motion was carried by a 5-0 vote.

Mayor Rice made a public plea for more people to apply for this commission.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to appoint Al Krippner as Council Member Marsh's appointee to the Planning Commission. The motion was carried by a 5-0 vote.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to appoint the following persons to the Traffic Commission:

Rice – Reginald Crozier
Paris – John McShane
Fry – Andrew Tran
Marsh – Matthew Tracy
Quach – Pho Huynh

The motion was carried by a 5-0 vote.

Motion was made by Mayor Rice, and seconded by Council Member Marsh, to appoint the following persons to the Advisory Committee for the Disabled:

Jerome Catlin
Greg Burrows
Tri Duc Ta
Kelly Le

The motion was carried by a 5-0 vote.

Motion was made by Mayor Pro Tem Paris, and seconded by Mayor Rice, to appoint Craig Schweisinger to the Area Variance Committee. The motion was carried by a 5-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to appoint the following persons to the Energy Committee:

Mayor Pro Tem Paris, Chair
Council Member Marsh, Vice Chair

Rice – Darrell Nolte
Paris – Tina Javid
Fry – Jerry Dominguez
Marsh – Philip Hodgetts
Quach – Tri Duc Ta

Bart Kasperowicz, Alternate

And, further, the Council directed that staff come back with an amendment to the resolution to expand the Energy Committee to include more members. The motion was carried by a 5-0 vote.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to appoint the following persons to the Potentially Dangerous/Vicious Dog Review Board:

Lynne Liebelt
Frank L. Moore, D.V.M.
Cortney Dorney

The motion was carried by a 5-0 vote.

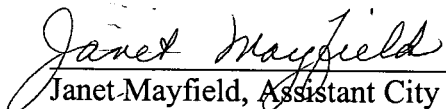
Motion was made by Mayor Rice, and seconded by Council Member Quach, to appoint the following persons to the Tree Education Committee:

Rice – Diana Williams
Paris – Barbara Eames
Fry – Danny Rodriguez
Marsh – Ralph Velez
Quach – Bart Kasperowicz

The motion was carried by a 5-0 vote.

Mayor Pro Tem Paris recommended that letters of appreciation to those persons who were not reappointed. There were no objections.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:58 p.m., Mayor/Chair Rice adjourned the meeting to Wednesday, January 22, 2003 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding a meeting to discuss City/Agency business.


Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary